

### **REMARKS**

This Amendment is in response to the Office Action of September 20, 2004. Applicants respectfully submit that all the claims presently on file are in condition for allowance, which action is earnestly solicited.

### **CLAIMS REJECTION UNDER 35 U.S.C. 102**

Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Gusack (U.S. patent 6,112,209), reasoning as follows:

"As to claim 1, Gusack teaches a method for dynamically linking at least two dissimilar databases (see figures 1, 6, 9 and 23, and column 6, 47-52), comprising:

linking the two dissimilar databases by means of a pointers database that contains a smaller number of records than a number of records contained in either one of the at least two dissimilar databases (see figure 9); and

changing relationships between records in the at least two dissimilar databases by changing records in the pointers database, without changing the records in the at least two dissimilar databases (see column 40, lines 9-16)."

Applicants respectfully traverse this rejection and submit that the rejected claims are not anticipated by Gusack. In support of this position, Applicants submit the following arguments.

#### **A. Legal Standard for Lack of Novelty (Anticipation)**

The standard for lack of novelty, that is, for "anticipation," is one of strict identity. To anticipate a claim for a patent, a **single prior source must contain** all its essential elements, and the burden of proving such anticipation is on the party making such assertion of anticipation. Anticipation cannot be shown by combining more than one reference to

show the elements of the claimed invention. The amount of newness and usefulness need only be minuscule to avoid a finding of lack of novelty.

The following are two court opinions in support of Applicants' position of non anticipation, with emphasis added for clarity purposes:

- "Anticipation under Section 102 can be found only if a reference shows **exactly** what is claimed; where there are **differences** between the reference disclosures and the claim, a rejection must be based on obviousness under Section 103." *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985).
- "**Absence** from a cited reference **of any element** of a claim of a patent negates anticipation of that claim by the reference." *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986), on rehearing, 231 USPQ 160 (Fed. Cir. 1986).

#### **B. Application of the Anticipation Standard**

Considering amended claim 1 as the representative claim, Applicants respectfully submit that Gusack does not disclose "dynamically linking at least two **dissimilar databases with dissimilar structures.**" Rather, Gusack states the following with emphasis added:

"To facilitate storage, retrieval, and processing of assemblies of informational items in computers a plurality of informational divisions may be defined wherein each contains a plurality of **similar informational items.**" Column 6, lines 61 - 64.

"Shown is a partial view of a plurality of records organized as a data table (101) stored on electronic-based media in a computer, consisting of a **list of informational items, usually similar** such as names, dates, address, and other data organized in separate fields (103) defined by a plurality of vertically oriented columns (105) (gray shading for illustrative purposes only) and horizontally oriented rows (107) (gray shading for illustrative purposes only). Column 7, lines 41 - 48.

"To the right are three more data tables with **similar record structures.**" Column 26, lines 52 - 54.

In addition, the Examiner has not specifically designated the database in Gusack which is analogized to the pointers database of the present invention. As a result, Applicants submit that the rejection ground is neither sufficiently definite nor specific, and respectfully request that the rejection be withdrawn.

Nonetheless, for the sake of argument only, Applicants' best guess would be to analogize the pointers database to Gusack's CTFL Index 911 (FIG. 9), which is disposed intermediate the Names Index 903 and the Phone Data Table 917. Based on this assumption, Applicants submit that Gusack's CTFL Index 911 does not receive instructions external to the two databases (i.e., 903, 917), to effect relationships changes between these two databases. In addition, it should be clear that Gusack's Names Index 903 and the Phone Data Table 917 do not have dissimilar structures and thus are not dissimilar databases as intended by the present invention.

As a result of this capability, Gusack's CTFL Index 911 does not respond to external instructions, let alone selectively change the pointers between records in the two dissimilar databases by changing the corresponding records in the pointers database, **without changing the records in the at least two dissimilar databases.**

Claim 1 is thus not anticipated by Gusack as this reference does not disclose all the elements of claim 1. Therefore, claim 1 and the claims dependent thereon are allowable.

Moreover, relative to representative claims 4 and 6 that depend on claim 1, Gusack does not disclose, in addition to responding to external instructions, further responding to inherent changes. More specifically, Gusack does not detect a change to a record in a first database, so that in response to this change, it selectively changes a pointer in the pointers database, without changing the records in a second database.

Claims 4 and 6 are thus not anticipated by Gusack as this reference does not disclose all the elements of claim 1 in addition to the elements of claims 4 and 6. Therefore, claims 4 and 6 and the claims dependent thereon are allowable.

The remaining claims on file are also allowable for containing similar distinctive elements to those of claims 1, 4, and 6.

To conclude, claims 1-19 are not anticipated by Gusack, and the allowance of these claims is respectfully requested.

### **CONCLUSION**

All the claims presently on file in the present application are in condition for immediate allowance, and such action is respectfully requested. If it is felt for any reason that direct communication would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned at the below-listed telephone number.

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Respectfully submitted,

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